

REMARKS

This is a full and timely response to the outstanding Office action mailed November 13, 2003. Claims 1 – 11, 13 and 17 remain pending in the present application. Applicant has canceled claims 12 and 14 without prejudice, waiver, or disclaimer. Applicant has amended claims 1, 10 and 13, and added claim 17 as indicated above. No new matter has been added to the present application. Reconsideration and allowance of the application and pending claims 1 – 11, 13 and 17 are respectfully requested.

I. Claims 1 - 11, 13 and 17 are Patentable over U.S. Pat. No. 5,471,201

The Office Action rejects claims 1 – 14 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,471,201 to Grabowski *et al.* (“the ‘201 patent”). The rejection of claims 12 and 14 is rendered moot because Applicants canceled these claims. Applicants respectfully submit that claims 1 – 11 and 13 are patentable over the ‘201 patent because the reference fails to disclose, teach, or suggest all of the claimed features.

Specifically, independent claim 1 is directed to a system to monitor the level of light in an area, and recites the feature/limitation/element of “the transceiver configured to repeat messages received from other transceivers associated with other sensors.” Independent claim 13 is directed to a computer program embodied in a computer readable medium for monitoring the level of light in an area. Independent claim 13 includes the feature/limitation/element of “logic for receiving a message from a transceiver and repeating the message.” Applicants respectfully submit that the ‘201 patent does not disclose, teach, or suggest these features/limitations/elements.

Unlike the system of claim 1 and the computer program of claim 13, the '201 patent merely discloses that each transceiver only communicates with a central system. The '201 patent discloses that "the remote unit transmits a first alert signal to the control unit 30." Col. 11, ll. 24 - 25. The '201 patent also discloses that "if the remote units sense that proper lighting is restored the remote units send a second alert signal to the control unit." Col. 11, ll. 61-63. This is clearly different than the system of claim 1 and the computer program of claim 13, in which the level of light in the lighted area is communicated to the central system AND messages received from other transceivers are repeated. Applicant notes that the transceivers of the '201 patent only transmit directly to the control unit.

Therefore, Applicant submits that independent claims 1 and 13 are patentable over the '201 patent for at least the reason that this feature/limitation/element is not disclosed, taught, or suggested by the reference. Dependent claims 2 – 11 (which depend from independent claim 1) are also patentable over the '201 patent for at least the reason that the claims include all of the features of the base claim. Accordingly, Application respectfully requests that the rejection be withdrawn and the claims be allowed.

Applicants respectfully submit that new independent claim 17 is also patentable over the cited art.

II. The '201 Patent is Not Prior Art

Notwithstanding the arguments presented above, Applicant respectfully submits that the '201 patent is not prior art relative to the instant application. In this regard, Applicant notes that the effect filing date of the instant application predates the filing date of the '201 patent

reference. As stated on page 1 in the instant application, "This application is a Continuation-In-Part of U.S. Patent Application Serial Number 09/412,895, filed October 5, 1999, which was a continuation in part of U.S. Patent Application Serial Number 09/172,554, filed on October 14, 1998 (now U.S. Patent 6,028,522, issued February 22, 2000)." Therefore, the effective filing date of the instant application is October 14, 1998. Because the '201 patent was not filed until November 23, 1998, it cannot be used as a reference in a rejection under 35 U.S.C. §102(e). Accordingly, Applicant respectfully requests that the rejection of claims 1-14 be withdrawn and all claims be allowed.

III. Prior References Made of Record

The prior references made of record have been considered, but are not believed to affect the patentability of the presently pending claims. Other statements not explicitly addressed herein are not admitted.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 – 11, 13 and 17 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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